

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

REPUBLIC OFFICE OF MOSES BRIAN)	Civ. No. 21-00376 HG-RT
MOSS, EXECUTOR/FIDUCIARY, THE)	
ORIGINAL CREDITOR,)	
)	
Plaintiff,)	
)	
vs.)	
)	
STATE OF HAWAII; UNITED STATES,)	
)	
Defendants.)	
)	
)	
_____)	

**ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION
TO DISMISS THE CASE PURSUANT TO THE DEFICIENCY ORDER (ECF No. 9)**

Findings and Recommending having been filed and served on Plaintiff on January 28, 2022, and no objections having been filed,

IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to Title 28, United States Code, Section 636(b)(1)(C) and Local Rule 74.1, the Findings and Recommendation to dismiss the case pursuant to the Deficiency Order is adopted as the Opinion and Order of this Court.

On September 8, 2021, the Court issued a Deficiency Order providing Plaintiff twenty-eight days to either pay the required filing fee or submit an application to proceed in forma pauperis. (ECF No. 2). The Deficiency Order states that failure to timely comply will result in automatic dismissal of the action. Id. The deadline for Plaintiff to comply with the Deficiency Order was October 6, 2021. Plaintiff filed his Application to proceed

in forma pauperis on October 29, 2021. (ECF No. 4).


The case is **DISMISSED** without prejudice due to Plaintiff's untimely Application and the provision for **AUTOMATIC DISMISSAL** in the Deficiency Order.

The Clerk of Court is directed to **CLOSE** the case.

DATED: February 17, 2022, Honolulu, Hawaii.

IT IS SO ORDERED.




Helen Gillmor
United States District Judge